



RHESTR O WELLIANNAU WEDI'U DIDOLI

MARSHALLED LIST OF AMENDMENTS

Mesur Arfaethedig ynghylch Llywodaeth Leol (Cymru)
Proposed Local Government (Wales) Measure

Mae'r gwelliannau â * ar eu bwys yn rhai newydd neu'n rhai sydd wedi'u haddasu
Amendments marked * are new or have been altered

Caiff y Mesur ei ystyried yn y drefn a ganlyn –
The Measure will be considered in the following order –

| | |
|--------------------|------------------|
| Sections 1-34 | Adrannau 1-34 |
| Schedule 1 | Atodlen 1 |
| Sections 35-144 | Adrannau 35-144 |
| Schedule 2 | Atodlen 2 |
| Sections 145-163 | Adrannau 145-163 |
| Schedule 3 | Atodlen 3 |
| Sections 164-169 | Adrannau 164-169 |
| Schedule 4 | Atodlen 4 |
| Sections 170 - 172 | Adrannau 170-172 |
| New Sections | Adrannau Newydd |
| Long Title | Teitl Hir |

Veronica German

57

Page 13, line 29, leave out Section 5.

Tudalen 13, llinell 29, gadewch allan adran 5.

Veronica German

60

Section 6, page 14, line 4, leave out subsections (1) to (2) and insert –

'() A local authority must, so far as is reasonably practicable, ensure that the times at which meetings are held are accessible to its members.'

Adran 6, tudalen 14, llinell 4, gadewch allan is-adran (1) i (2) ac ychwanegwch --

'() Rhaid i awdurdod lleol, i'r graddau y mae hynny'n rhesymol ymarferol, sicrhau bod amser cynnal y cyfarfodydd yn hygyrch i'w holl aelodau.'

Veronica German

59

Section 6, page 14, line 7, leave out 'of a local authority'.

Adran 6, tudalen 14, llinell 7, gadewch allan 'awdurdod lleol'.

William Graham

48

Section 8, page 14, line 27, leave out 'designate one of its officers to discharge the' and insert 'arrange for the discharge of'.

Adran 8, tudalen 14, llinell 27, gadewch allan 'dynodi un o'i swyddogion i gyflawni'r' ac ychwanegwch 'gwneud trefniadau i gyflawni'r'.

William Graham

52

Section 8, page 14, line 29, leave out 'that officer with'.

Adran 8, tudalen 14, llinell 29, gadewch allan 'i'r swyddog hwnnw'.

William Graham

49

Section 8, page 14, line 30, leave out 'his or her' and insert 'the'.

Adran 8, tudalen 14, llinell 30, gadewch allan 'i swyddogaethau'r swyddog hwnnw' ac ychwanegwch 'i'r swyddogaethau hynny'.

William Graham

50

Section 9, page 15, line 6, leave out 'of the head of democratic services'.

Adran 9, tudalen 15, llinell 6, gadewch allan 'yw swyddogaethau pennaeth gwasanaethau democrataidd' ac ychwanegwch 'yw'r swyddogaethau'.

William Graham

51

Section 9, page 15, line 23, leave out –

‘to each of the following –

- (i) members of the authority;
- (ii) members of the executive of the authority;
- (iii) officers of the authority;’.

Adran 9, tudalen 15, llinell 22, gadewch allan –

‘i bob un o’r canlynol –

- (i) aelodau o’r awdurdod;
- (ii) aelodau gweithrediaeth o’r awdurdod;
- (iii) swyddogion yr awdurdod;’.

William Graham

55

Section 9, page 16, line 2, leave out ‘(except as provided for under subsection (1)(f));’.

Adran 9, tudalen 16, llinell 2, gadewch allan ‘(ac eithrio fel y darperir ar ei gyfer o dan is-adran (1)(f));’.

Carl Sargeant

1

Section 10, page 16, line 17, leave out ‘the authority’s standing orders’ and insert ‘those of its standing orders which relate to the management of staff’.

Adran 10, tudalen 16, llinell 17, gadewch allan ‘i reolau sefydlog yr awdurdod’ a rhowch yn ei le ‘i’r rhai o blith ei reolau sefydlog sy’n ymwneud â rheoli staff’.

Carl Sargeant

2

Section 11, page 16, after line 21, insert –

- ‘() exercise the function of the local authority under section 8(1)(a)(designation of head of democratic services),’.

Adran 11, tudalen 16, ar ôl llinell 22, ychwanegwch –

- ‘() i arfer swyddogaeth yr awdurdod lleol o dan adran 8(1)(a) (dynodi pennaeth gwasanaethau democrataidd),’.

Carl Sargeant

3

Section 14, page 17, line 19, after 'committee', insert '(who must not be a member of an executive group)'.

Adran 14, tudalen 17, llinell 21, ar ôl 'democrataidd', ychwanegwch '(a rhaid iddo beidio â bod yn aelod o grŵp gweithrediaeth)'.

Carl Sargeant

4

Section 14, page 17, after line 19, insert –

'() If there are no opposition groups, the person who is to chair the democratic services committee may be a member of an executive group but must not be a member of the local authority's executive.'

Adran 14, tudalen 17, ar ôl llinell 21, ychwanegwch –

'() Os nad oes unrhyw grwpiau gwrthblaid, caiff y person sydd i gadeirio'r pwyllgor gwasanaethau democrataidd fod yn aelod o grŵp gweithrediaeth ond rhaid iddo beidio â bod yn aelod o weithrediaeth yr awdurdod lleol.'

Carl Sargeant

5

Section 14, page 17, after line 37, insert –

'() For the purposes of subsections () and (), the expressions "executive group" and "opposition group" have the same meaning as in section 74.'

Adran 14, tudalen 17, ar ôl llinell 40, ychwanegwch –

'() At ddibenion is-adrannau () a (), mae i'r ymadroddion "grŵp gweithrediaeth" a "grŵp gwrthblaid" yr un ystyr ag yn adran 74.'

William Graham

53

Section 18, page 18, line 30, leave out 'The head of democratic services for'.

Adran 18, tudalen 18, llinell 34, gadewch allan 'bennaeth gwasanaethau democrataidd ar gyfer'.

William Graham

54

Page 19, line 16, leave out Section 21.

Tudalen 19, llinell 16, gadewch allan adran 21.

| | |
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| Carl Sargeant | 6 |
| Move Section 23 and insert after Section 31. Symudwch Adran 23 a'i rhoi ar ôl Adran 31. | |
| William Graham | 68 |
| Section 32, page 25, after line 27, insert – '() a mayor and council manager executive;'. Adran 32, tudalen 26, ar ôl llinell 9, ychwanegwch – '() gweithrediaeth maer a rheolwr cyngor;'. Section 32, page 25, leave out lines 28 to 29. Adran 32, tudalen 26, gadewch allan linellau 10 hyd at 11. | |
| Carl Sargeant | 8 |
| William Graham | 64 |
| Page 26, line 15, leave out Section 33. Tudalen 26, llinell 17, gadewch allan adran 33. | |
| William Graham | 75 |
| Schedule 1, page 97, line 33, after 'executive', in the second place in where it appears, insert 'or a mayor and council manager executive'. Atodlen 1, tudalen 97, llinell 33, ar ôl 'chabinet', ychwanegwch 'neu weithrediaeth maer a rheolwr cyngor'. | |
| William Graham | 73 |
| Schedule 1, page 98, line 17, after 'executive', in the second place in where it appears, insert 'or a mayor and council manager executive'. Atodlen 1, tudalen 98, llinell 16, ar ôl 'chabinet', ychwanegwch 'neu weithrediaeth maer a rheolwr cyngor'. | |

William Graham

76

Schedule 1, page 98, line 40, after 'executive', in the second place in where it appears, insert 'or a mayor and council manager executive'.

Atodlen 1, tudalen 98, llinell 39, ar ôl 'chabinet', ychwanegwch 'neu weithrediaeth maer a rheolwr cyngor'.

William Graham

74

Schedule 1, page 99, line 17, after 'executive', insert 'or a mayor and council manager executive'.

Atodlen 1, tudalen 99, llinell 16, ar ôl 'chabinet', ychwanegwch 'neu weithrediaeth maer a rheolwr cyngor'.

William Graham

78

Schedule 1, page 99, line 24, after 'executive', insert 'or a mayor and council manager executive'.

Atodlen 1, tudalen 99, llinell 23, ar ôl 'chabinet', ychwanegwch 'neu weithrediaeth maer a rheolwr cyngor'.

William Graham

79

Schedule 1, page 99, line 28, after 'executive', insert 'or a mayor and council manager executive'.

Atodlen 1, tudalen 99, llinell 28, ar ôl 'chabinet', ychwanegwch 'neu weithrediaeth maer a rheolwr cyngor'.

William Graham

80

Schedule 1, page 99, line 35, after 'executive', insert 'or a mayor and council manager executive'.

Atodlen 1, tudalen 99, llinell 36, ar ôl 'chabinet', ychwanegwch 'neu weithrediaeth maer a rheolwr cyngor'.

William Graham

81

Schedule 1, page 100, line 7, after 'executive', at the second place where it appears, insert 'or a mayor and council manager executive'.

Atodlen 1, tudalen 100, llinell 7, ar ôl 'chabinet', ychwanegwch 'neu weithrediaeth maer a rheolwr cyngor'.

Carl Sargeant

9

Section 35, page 28, leave out line 1.

Adran 35, tudalen 28, gadewch allan llinell 1.

Carl Sargeant

10

Section 35, page 28, after line 24, insert—

() the Local Authorities (Changing Executive Arrangements and Alternative Arrangements) (Wales) Regulations 2004 (S.I. 2004/3158);

Adran 35, tudalen 28, ar ôl llinell 24, ychwanegwch —

() Rheoliadau Awdurdodau Lleol (Newid Trefniadau Gweithrediaeth a Threfniadau Amgen) (Cymru) 2004 (O.S. 2004/3158);

William Graham

65

Section 45, page 32, line 22, after 'executive', insert 'or a mayor and council manager executive'.

Adran 45, tudalen 32, llinell 22, ar ôl 'chabinet', ychwanegwch 'neu weithrediaeth maer a rheolwr cyngor'.

William Graham

70

Section 48, page 33, line 14, after 'executive', insert 'or a mayor and council manager executive'.

Adran 48, tudalen 33, llinell 15, ar ôl 'chabinet', ychwanegwch 'neu weithrediaeth maer a rheolwr cyngor'.

William Graham

71

Section 52, page 34, after line 5, insert—

() a mayor and council manager executive'.

Adran 52, tudalen 34, ar ôl llinell 5, ychwanegwch—

() gweithrediaeth maer a rheolwr cyngor'.

William Graham

77

Section 55, page 36, line 36, after 'executive', insert 'or a mayor and council manager executive'.

Adran 55, tudalen 36, llinell 32, ar ôl 'chabinet', ychwanegwch 'neu weithrediaeth maer a rheolwr cyngor'.

Carl Sargeant

11

Section 56, page 37, line 10, leave out 'of' at the third place where it appears and insert 'for'.

Adran 56, tudalen 37, llinell 10, gadewch allan 'of' yn y trydydd lle y mae'n ymddangos a rhowch yn ei le 'for'.

Carl Sargeant

12

Section 57, page 38, line 15, after '21B,', insert '21D,'.

Adran 57, tudalen 38, llinell 15, ar ôl '21B,', ychwanegwch '21D,'.

William Graham

56

Gyda chefnogaeth/Supported by: Veronica German

Section 58, page 38, line 34, leave out 'is' and insert 'does'.

Adran 58, tudalen 38, llinell 34, gadewch allan 'is' ac ychwanegwch 'does'.

William Graham

61

Gyda chefnogaeth/Supported by: Veronica German

Section 58, page 38, line 35, leave out 'are not under a duty' and insert 'do not have power'.

Adran 58, tudalen 38, llinell 35, gadewch allan 'are not, under a duty' ac ychwanegwch 'do not, have power'.

William Graham

69

Gyda chefnogaeth/Supported by: Veronica German

Section 58, page 38, line 38, leave out 'is required' and insert 'have power'.

Adran 58, tudalen 38, llinell 38, gadewch allan 'is required' ac ychwanegwch 'have power'.

William Graham 62
Gyda chefnogaeth/Supported by: Veronica German

Section 58, page 38, line 40, leave out 'are required' and insert 'have power'.

Adran 58, tudalen 38, llinell 40, gadewch allan 'are required' ac ychwanegwch 'have power'.

Carl Sargeant 13

Section 62, page 42, after line 9, insert –

'() In subsection (6)(a) –

(b) after "2007" insert "or section 55 of the Local Government (Wales) Measure 2011";

(c) omit "in England".'. .

Adran 62, tudalen 42, ar ôl llinell 9, ychwanegwch –

'() Yn is-adran (6)(a) –

(a) ar ôl "2007" ychwanegwch "or section 55 of the Local Government (Wales) Measure 2011";

(b) gadewch allan "in England".'. .

Carl Sargeant 14

Section 64, page 42, after line 27, insert –

'() The Local Government Act 2000 is amended as follows.'

Adran 64, tudalen 42, ar ôl llinell 28, ychwanegwch –

'() Diwygir Deddf Llywodraeth Leol 2000 fel a ganlyn.'

Carl Sargeant 15

Section 64, page 42, line 28, leave out 'of the Local Government Act 2000'.

Adran 64, tudalen 42, llinell 29, gadewch allan 'o Ddeddf Llywodraeth Leol 2000'.

Carl Sargeant 16

Section 64, page 42, after line 31, insert –

'() In section 22 (access to information etc), in subsection (12A) –

- (a) after “State” insert “(in relation to local authorities in England), or the Welsh Ministers (in relation to local authorities in Wales),”;
- (b) in paragraph (a), omit “in England”’.

Adran 64, tudalen 42, ar ôl llinell 32, ychwanegwch –

‘() Yn adran 22 (mynediad i wybodaeth etc), yn is-adran (12A) –

- (a) ar ôl “State” ychwanegwch “(in relation to local authorities in England), or the Welsh Ministers (in relation to local authorities in Wales),”;
- (b) ym mharagraff (a), gadewch allan “in England”’.

Carl Sargeant

17

Section 76, page 49, line 24, leave out ‘committee’ and insert ‘sub-committee’.

Adran 76, tudalen 49, llinell 21, gadewch allan ‘y pwyllgor’ a rhowch yn ei le ‘yr is-bwyllgor’.

Carl Sargeant

18

Section 76, page 49, line 27, after ‘membership’, insert ‘of the sub-committee’.

Adran 76, tudalen 49, llinell 24, ar ol ‘gyfan’, ychwanegwch ‘o’r is-bwyllgor’.

Carl Sargeant

19

Section 76, page 49, line 30, leave out ‘committee’ and insert ‘sub-committee’.

Adran 76, tudalen 49, llinell 27, gadewch allan ‘y pwyllgor’ a rhowch yn ei le ‘yr is-bwyllgor’.

William Graham

66

Gyda chefnogaeth/Supported by: Veronica German

Page 49, line 38, leave out Section 77.

Tudalen 49, llinell 36, gadewch allan adran 77.

William Graham 63
Gyda chefnogaeth/Supported by: Veronica German

Page 50, line 8, leave out Section 78.

Tudalen 50, llinell 8, gadewch allan adran 78.

William Graham 67
Gyda chefnogaeth/Supported by: Veronica German

Section 79, page 50, leave out line 36.

Adran 79, tudalen 50, gadewch allan llinell 38.

Veronica German 58

Page 51, line 15, leave out Section 81.

Tudalen 51, llinell 16, gadewch allan adran 81.

Carl Sargeant 20

Section 84, page 53, after line 26, insert –

- ‘(c) review and assess the risk management, internal control and corporate governance arrangements of the authority,
- (d) make reports and recommendations to the authority on the adequacy and effectiveness of those arrangements,
- (e) oversee the authority’s internal and external audit arrangements, and
- (f) review the financial statements prepared by the authority.’.

Adran 84, tudalen 53, ar ôl llinell 26, ychwanegwch –

- ‘(c) i adolygu ac asesu trefniadau’r awdurdod ar gyfer rheoli risgiau, rheolaeth fewnol a llywodraethu corfforaethol,
- (d) i lunio adroddiadau a gwneud argymhellion i’r awdurdod ynghylch digonolrwydd ac effeithiolrwydd y trefniadau hynny,
- (e) i arolygu trefniadau archwilio mewnol ac allanol yr awdurdod, ac
- (f) i adolygu’r datganiadau ariannol a lunnir gan yr awdurdod.’.

Carl Sargeant

21

Section 84, page 53, line 27, leave out subsection (2) and insert –

‘() A local authority may confer on its audit committee such other functions as the authority considers suitable to be exercised by such a committee.’.

Adran 84, tudalen 53, llinell 27, gadewch allan is-adran (2) a rhwch yn ei le –

‘() Caiff awdurdod lleol roi i’w bwyllgor archwilio unrhyw swyddogaethau eraill y mae’r awdurdod o’r farn eu bod yn addas i’w harfer gan y cyfryw bwyllgor.’.

Carl Sargeant

22

Section 86, page 54, line 24, leave out ‘within the meaning of section 74’.

Adran 86, tudalen 54, llinell 25, gadewch allan ‘o fewn ystyr adran 74’.

Carl Sargeant

23

Section 86, page 54, after line 24, insert –

‘() If there are no opposition groups, the person who is to chair the audit committee may be a member of an executive group but must not be a member of the local authority's executive.’.

Adran 86, tudalen 54, ar ôl llinell 25, ychwanegwch –

‘() Os nad oes unrhyw grwpiau gwrthblaid, caiff y person sydd i gadeirio’r pwyllgor archwilio fod yn aelod o grŵp gweithrediaeth ond rhaid iddo beidio â bod yn aelod o weithrediaeth yr awdurdod lleol.’.

Carl Sargeant

24

Section 86, page 54, after line 38, insert –

‘() For the purposes of subsections () and (), the expressions “executive group” and “opposition group” have the same meaning as in section 74.’.

Adran 86, tudalen 54, ar ôl llinell 39, ychwanegwch –

‘() At ddibenion is-adrannau () a (), mae i’r ymadroddion “grŵp gweithrediaeth” a “grŵp gwrthblaid” yr un ystyr ag yn adran 74.’.

Carl Sargeant

25

Page 55, line 11, leave out section 88 and insert –

() Guidance

- (1) The Welsh Ministers may give guidance to local authorities –
 - (a) about the functions of audit committees and the exercise of those functions, or
 - (b) about the membership of audit committees.
- (2) A local authority and its audit committee must have regard to guidance given by the Welsh Ministers under subsection (1).'

Tudalen 55, llinell 13, gadewch allan adran 88 a rhowch yn ei lle –

() Canllawiau

- (1) Caiff Gweinidogion Cymru roi canllawiau i awdurdodau lleol –
 - (a) ynghylch swyddogaethau pwyllgorau archwilio ac arfer y swyddogaethau hynny, neu
 - (b) ynghylch aelodaeth o bwyllgorau archwilio.
- (2) Rhaid i awdurdod lleol a'i bwyllgor archwilio roi sylw i ganllawiau a roddir gan Weinidogion Cymru o dan is-adran (1).'

William Graham

72

Section 90, page 56, line 9, after 'executive', insert 'or a mayor and council manager executive'.

Adran 90, tudalen 56, llinell 6, ar ôl 'chabinet', ychwanegwch 'neu weithrediaeth maer a rheolwr cyngor'.

Carl Sargeant

26

Section 105, page 67, line 15, after 'an', insert 'order'.

Adran 105, tudalen 67, llinell 15, ar ôl 'an', ychwanegwch 'order'.

Carl Sargeant

27

Section 117, page 75, line 3, leave out subsections (2) to (5).

Adran 117, tudalen 75, llinell 3, gadewch allan is-adrannau (2) i (5).

Carl Sargeant

28

Section 124, page 78, at the beginning of line 22, insert 'A community youth representative is not a member of the community council which appointed the representative, but'.

Adran 124, tudalen 78, ar ddechrau llinell 24, ychwanegwch 'Nid yw cynrychiolydd ieuencid cymunedol yn aelod o'r cyngor cymuned a benododd y cynrychiolydd, ond'.

Carl Sargeant

29

Section 145, page 85, line 7, leave out 'absence under Part 1' and insert 'family absence under Part 2'.

Adran 145, tudalen 85, llinell 8, gadewch allan 'o dan Ran 1' a rhowch yn ei le 'teulol o dan Ran 2'.

Carl Sargeant

30

Section 145, page 85, after line 12, insert –

- '() Having decided the relevant matters for which a relevant authority may be authorised or required to make payments under subsection (1) and set the amount or maximum amount for each matter under subsection (3), the Panel may determine that payments in respect of a particular matter or matters may not be paid to more than a fixed proportion of the members of an authority.
- () The proportion fixed by the Panel in accordance with subsection () may not exceed fifty per cent unless the consent of the Welsh Ministers has been obtained.'

Adran 145, tudalen 85, ar ôl llinell 12, ychwanegwch –

- '() Ar ôl penderfynu'r materion perthnasol y ceir awdurdodi neu ei gwneud yn ofynnol i awdurdod perthnasol wneud taliadau amdanynt o dan is-adran (1) a phennu'r swm neu'r uchafswm ar gyfer pob mater o dan is-adran (3), caiff y Panel benderfynu na chaniateir talu taliadau mewn cysylltiad â mater neu faterion penodol i fwy na chyfran benodedig o'r aelodau o awdurdod.
- () Ni chaiff y gyfran a bennir gan y Panel yn unol ag is-adran () fod yn fwy na hanner cant y cant oni fydd cydsyniad Gweinidogion Cymru wedi ei sicrhau.'

Carl Sargeant

31

Section 145, page 85, line 23, leave out 'or' at the first place where it appears and insert ', making a determination under subsection () or setting'.

Adran 145, tudalen 85, llinell 26, gadewch allan 'neu gyfradd' a rhowch yn ei le ', gwneud penderfyniad o dan is-adran () neu osod cyfradd'.

Carl Sargeant

32

Section 145, page 85, line 27, after '(3)', insert ', make different determinations under subsection ()'.

Adran 145, tudalen 85, llinell 30, ar ol '(3)', ychwanegwch ', gwneud penderfyniadau gwahanol o dan is-adran ()'.

Carl Sargeant

33

Section 149, page 87, after line 14, insert –

'() the proportion determined under section 145 (),'.

Adran 149, tudalen 87, ar ôl llinell 14, ychwanegwch –

'() y gyfran a benderfynwyd o dan adran 145 (),'.

Carl Sargeant

34

Section 149, page 87, line 21, leave out 'or (d)' and insert ',(d) or (e)'.

Adran 149, tudalen 87, llinell 22, gadewch allan 'neu (d)' a rhowch yn ei le ',(d) neu (e)'.

Carl Sargeant

35

Section 149, page 87, line 29, leave out 'every relevant authority' and insert –

'() those relevant authorities which are required or authorised by the Panel to make payments to their members in respect of relevant matters,'.

Adran 149, tudalen 87, llinell 30, gadewch allan 'pob awdurdod perthnasol' a rhowch yn ei le –

'() yr awdurdodau perthnasol hynny y mae'r Panel wedi ei gwneud yn ofynnol iddynt neu wedi eu hawdurdodi i wneud taliadau i'w haelodau mewn cysylltiad â materion perthnasol,'.

Carl Sargeant

36

Section 150, page 88, line 11, leave out 'or (d)' and insert ',(d) or (e)'.

Adran 150, tudalen 88, llinell 13, gadewch allan 'neu (d)' a rhowch yn ei le ',(d) neu (e)'.

Carl Sargeant

37

Section 150, page 88, line 19, leave out 'or (d)' and insert ',(d) or (e)'.

Adran 150, tudalen 88, llinell 22, gadewch allan 'neu (d)' a rhowch yn ei le ',(d) neu (e)'.

Carl Sargeant

38

Section 150, page 88, line 27, leave out 'every relevant authority' and insert –

- () those relevant authorities which are required or authorised by the Panel to make payments to their members in respect of relevant matters,'.

Adran 150, tudalen 88, llinell 32, gadewch allan 'pob awdurdod perthnasol' a rhowch yn ei le –

- () yr awdurdodau perthnasol hynny y mae'r Panel wedi ei gwneud yn ofynnol iddynt neu wedi eu hawdurdodi i wneud taliadau i'w haelodau mewn cysylltiad â materion perthnasol,'.

Carl Sargeant

39

Section 160, page 91, after line 34, insert –

- () The power of the Panel to give guidance under subsection (1) includes the power to vary or revoke guidance given.'

Adran 160, tudalen 91, ar ôl llinell 38, ychwanegwch –

- () Mae pŵer y Panel i roi canllawiau o dan is-adran (1) yn cynnwys y pŵer i amrywio neu ddirymu'r canllawiau a roddwyd.'

***Carl Sargeant**

40

WITHDRAWN/TYNNWYD YN ÔL

Section 165, page 93, line 10, leave out 'or Part 2' and insert ', Part 2 or section 143'.

Adran 165, tudalen 93, llinell 10, gadewch allan 'neu Rhan 2' a rhowch yn ei le ', Rhan 2 neu adran 143'.

***Carl Sargeant**

101

WITHDRAWN/TYNNWYD YN ÔL

Section 165, page 93, line 10, leave out 'or Part 2' and insert ', Part 2, Section 143, () [new Section to be inserted by amendment 91] or () [new Section to be inserted by amendment 94]'.

Adran 165, tudalen 93, llinell 10, gadewch allan 'neu Rhan 2' a rhowch yn ei le ', Rhan 2, Adran 143, () [Adran newydd i'w hychwanegu gan welliant 91]neu () [Adran newydd i'w hychwanegu gan welliant 94]'.

***Carl Sargeant**

104

Section 165, page 93, line 10, leave out 'or Part 2' and insert ', Part 2, Section 143, () [new Section to be inserted by amendment 94] or () (2) [new Section to be inserted by amendment 95] '.

Adran 165, tudalen 93, llinell 10, gadewch allan 'neu Rhan 2' a rhowch yn ei le ', Rhan 2, Adran 143, () [Adran newydd i'w hychwanegu gan welliant 94] neu () (2) [Adran newydd i'w hychwanegu gan welliant 95] '.

Veronica German

90

Section 165, page 93, line 10, after 'Part 2' insert 'or section 57(1)'

Adran 165, tudalen 93, llinell 10, ar ôl 'Rhan 2', ychwanegwch ', neu adran 57(1) '.

***Carl Sargeant**

102

WITHDRAWN/TYNNWYD YN ÔL

Section 165, page 93, line 11, leave out 'or 161' and insert '161 or () [new Section to be inserted by amendment 99] '.

Adran 165, tudalen 93, llinell 11, gadewch allan 'neu 161' a rhowch yn ei le '161 neu () [Adran newydd i'w hychwanegu gan welliant 99] '.

***Carl Sargeant**

105

Section 165, page 93, line 11, leave out 'or 161' and insert ',161 , () [new Section to be inserted by amendment 91] or () [new Section to be inserted by amendment 99] '.

Adran 165, tudalen 93, llinell 11, gadewch allan 'neu 161' a rhowch yn ei le ',161 neu () [Adran newydd i'w hychwanegu gan welliant 91] () [Adran newydd i'w hychwanegu gan welliant 99] '.

Carl Sargeant

103

Section 165, page 93, after line 11, insert –

'() an order amending an order under Section () [new Section to be inserted by amendment 91]';.

Adran 165, tudalen 93, ar ôl llinell 11, ychwanegwch –

'() gorchymyn yn diwygio gorchymyn o dan Adran () [Adran newydd i'w hychwanegu gan welliant 91]';.

***Carl Sargeant**

106

Section 165, page 93, line 14, leave out ‘an order under section 130, see section 166’ and insert ‘orders under sections 130 and () [new Section to be inserted by amendment 91], see sections 166 and () [new Section to be inserted by amendment 98] respectively’.

Adran 165, tudalen 93, llinell 14, gadewch allan ‘gorchymyn o dan adran 130, gweler adran 166’ a rhowch yn ei le ‘gorchymynion o dan adrannau 130 a () [Adran newydd i’w hychwanegu gan ddiwygiad 91], gweler adrannau 166 a () [Adran newydd i’w hychwanegu gan ddiwygiad 98] yn ôl eu trefn’

Carl Sargeant

41

Section 166, page 93, line 31, leave out subsections (1) to (6) and insert –

- ‘() The Welsh Ministers must comply with this section before making an order under section 130 to give effect to proposals to modify an enactment which they consider prevents or obstructs community councils from exercising their power under section 2(1) of the Local Government Act 2000 (“the proposals”).
- () The Welsh Ministers must consult –
 - (a) such community councils,
 - (b) such representatives of community councils, and
 - (c) such other persons (if any),

as appear to the Welsh Ministers to be likely to be affected by the proposals.

- () If, following that consultation, the Welsh Ministers wish to proceed with the proposals they must lay before the National Assembly for Wales a document which –
 - (a) explains the proposals,
 - (b) sets them out in the form of a draft order, and
 - (c) gives details of the consultation under subsection ().
- () No draft of an order under section 130 to give effect to the proposals (“the final draft order”) may be laid before the Assembly in accordance with section 165(2)(b) until after the expiry of the period of 60 days beginning with the day on which the document relating to the proposals was laid before the National Assembly for Wales under subsection ().
- () In calculating the period mentioned in subsection () no account shall be taken of any time during which the National Assembly for Wales is dissolved or is in recess for more than four days.
- () In preparing the final draft order the Welsh Ministers must consider any representations made during the period mentioned in subsection ().
- () If the final draft order is laid before the National Assembly for Wales in accordance with section 165(2)(b), the order must be accompanied by a statement of the Welsh Ministers giving details of –
 - (a) any representations considered in accordance with subsection (), and

- (b) any changes made to the proposals contained in the document laid before the National Assembly for Wales under subsection () which are given effect to in the final draft order.’.

Adran 166, tudalen 93, llinell 32, gadewch allan is-adrannau (1) i (6) a rhowch yn eu lle –

() Rhaid i Weinidogion Cymru gydymffurfio â’r adran hon cyn gwneud gorchymyn o dan adran 130 i roi effaith i gynigion i addasu deddfiad y maent o’r farn ei fod yn atal neu’n rhwystro cynghorau cymuned rhag arfer eu pŵer o dan adran 2(1) o Ddeddf Llywodraeth Leol 2000 (“y cynigion”).

() Rhaid i Weinidogion Cymru ymgynghori â’r canlynol –

- (a) unrhyw gynghorau cymuned,
- (b) unrhyw gynrychiolwyr cynghorau cymuned, ac
- (c) unrhyw bersonau eraill (os oes rhai),

y mae’n ymddangos i Weinidogion Cymru y byddai’r cynigion yn debyg o effeithio arnynt.

() Os bydd Gweinidogion Cymru, ar ôl yr ymgynghori hwnnw, yn dymuno bwrw ymlaen â’r cynigion, rhaid iddynt osod gerbron Cynulliad Cenedlaethol Cymru ddogfen –

- (a) sy’n esbonio’r cynigion,
- (b) sy’n eu gosod ar ffurf gorchymyn drafft, a
- (c) sy’n rhoi manylion yr ymgynghori o dan is-adran ().

() Ni chaiff drafft o orchymyn o dan adran 130 i roi effaith i’r cynigion (“y gorchymyn drafft terfynol”) gael ei osod gerbron y Cynulliad yn unol ag adran 165(2)(b) tan ar ôl i’r cyfnod o 60 niwrnod, sy’n dechrau ar y diwrnod y cafodd y ddogfen ynglŷn â’r cynigion ei gosod gerbron Cynulliad Cenedlaethol Cymru o dan is-adran (), ddirwyn i ben.

() Wrth gyfrifo’r cyfnod a grybwyllwyd yn is-adran (), rhaid peidio ag ystyried unrhyw amser pryd y bydd Cynulliad Cenedlaethol Cymru wedi ei ddiddymu neu wedi cymryd saib am fwy na phedwar diwrnod.

() Wrth baratoi’r gorchymyn drafft terfynol rhaid i Weinidogion Cymru ystyried unrhyw sylwadau a gyflwynwyd yn ystod y cyfnod a grybwyllwyd yn is-adran ().

() Os caiff y gorchymyn drafft terfynol ei osod gerbron Cynulliad Cenedlaethol Cymru yn unol ag adran 165(2)(b), rhaid bod gyda’r gorchymyn ddatganiad gan Weinidogion Cymru sy’n rhoi manylion –

- (a) unrhyw sylwadau a ystyriwyd yn unol ag is-adran (), a
- (b) unrhyw newidiadau a wnaed i’r cynigion a oedd wedi eu cynnwys yn y ddogfen a osodwyd gerbron Cynulliad Cenedlaethol Cymru o dan is-adran () ac y mae effaith wedi ei rhoi iddynt yn y gorchymyn drafft terfynol.’.

| | |
|---|-----------|
| William Graham | 87 |
| Schedule 4, page 106, column 2, leave out lines 9 to 14. Atodlen 4, tudalen 106, colofn 2, gadewch allan llinellau 9 i 14. | |
| William Graham | 85 |
| Schedule 4, page 106, column 2, leave out lines 20 to 28. Atodlen 4, tudalen 106, colofn 2, gadewch allan llinellau 20 i 27. | |
| William Graham | 82 |
| Schedule 4, page 106, column 1, leave out line 29. Atodlen 4, tudalen 106, colofn 1, gadewch allan llinell 28. | |
| William Graham | 86 |
| Schedule 4, page 106, column 2, leave out lines 29 to 41. Atodlen 4, tudalen 106, colofn 2, gadewch allan llinellau 28 i 40. | |
| William Graham | 84 |
| Schedule 4, page 107, column 1, leave out line 1. Atodlen 4, tudalen 107, colofn 1, gadewch allan llinell 1. | |
| William Graham | 88 |
| Schedule 4, page 107, column 2, leave out lines 1 to 8. Atodlen 4, tudalen 107, colofn 2, gadewch allan llinellau 1 i 8. | |
| William Graham | 83 |
| Schedule 4, page 107, column 2, leave out lines 9 to 15. Atodlen 4, tudalen 107, colofn 2, gadewch allan llinellau 9 i 15. | |
| Carl Sargeant | 44 |

Schedule 4, page 107, line 15, column 2, leave out ‘Sections 29 and 30’ and insert ‘Section 29’.
Atodlen 4, tudalen 107, llinell 15, colofn 2, gadewch allan ‘Adrannau 29 a 30’, a rhowch yn ei le ‘Adran 29’.

William Graham

89

Schedule 4, page 107, column 2, leave out lines 17 to 19.
Atodlen 4, tudalen 107, colofn 2, gadewch allan llinellau 17 i 19.

Carl Sargeant

45

Schedule 4, page 107, after line 22, insert –

| | |
|---|--------------------------|
| ‘Local Authorities (Changing Executive Arrangements and Alternative Arrangements) (Wales) Regulations 2004 (S.I. 2004/3158) | The whole Regulations.’. |
|---|--------------------------|

Atodlen 4, tudalen 107, ar ôl llinell 22, ychwanegwch –

| | |
|--|-----------------------|
| ‘Rheoliadau Awdurdodau Lleol (Newid Trefniadau Gweithrediaeth a Threfniadau Amgen) (Cymru) 2004 (O.S. 2004/3158) | Y Rheoliadau cyfan.’. |
|--|-----------------------|

Carl Sargeant

46

Schedule 4, page 107, after line 34, column 2, insert ‘In section 21A(6)(a), the words “in England”.’.

Atodlen 4, tudalen 107, ar ôl llinell 34, colofn 2, ychwanegwch ‘Yn adran 21A(6)(a), y geiriau “in England”.’.

Carl Sargeant

47

Schedule 4, page 107, after line 36, column 2, insert ‘In section 22, the words “in England”.’.

Atodlen 4, tudalen 107, ar ôl llinell 35, colofn 2, ychwanegwch ‘Yn adran 22, y geiriau “in England”.’.

Carl Sargeant

42

Section 171, page 96, leave out line 9.

Adran 171, tudalen 96, gadewch allan linell 10.

Carl Sargeant

43

Section 171, page 96, after line 17, insert –

- ‘() Chapters 2 to 9 of Part 7;
- () Parts B and C of Schedule 4 (and section 169(2) in so far as it relates to Parts B and C of Schedule 4).’.

Adran 171, tudalen 96, ar ôl llinell 17, ychwanegwch –

- ‘() Penodau 2 i 9 o Ran 7;
- () Rhannau B ac C o Atodlen 4 (ac adran 169(2) i’r graddau y mae’n ymwneud â Rhannau B ac C o Atodlen 4).’.

Carl Sargeant

7

To insert a new Section –

‘() Amendment of Local Government Act 2000

(2) Section 11 of the Local Government Act 2000 (local authority executives) is amended as follows.

(3) After subsection (8) insert –

“(8A) For the purposes of subsection (8), no account is to be taken of a member appointed to the executive on a temporary basis to cover the absence of a member exercising a right to a family absence under Part 2 of the Local Government (Wales) Measure 2011.”.

I ychwanegu Adran newydd –

‘() Diwygio Deddf Llywodraeth Leol 2000

(4) Diwygir adran 11 o Ddeddf Llywodraeth Leol 2000 (gweithrediaethau awdurdodau lleol) fel a ganlyn.

(5) Ar ôl is-adran (8) ychwanegwch –

“(8A) For the purposes of subsection (8), no account is to be taken of a member appointed to the executive on a temporary basis to cover the absence of a member exercising a right to a family absence under Part 2 of the Local Government (Wales) Measure 2011.”.

Carl Sargeant

91

To insert a new Section –

(i) Power to make amalgamation order

- (6) The Welsh Ministers may, if they are satisfied that it is necessary to achieve effective local government, make an order (“an amalgamation order”) for the constitution of a new local government area by amalgamating two or three local government areas.
- (7) Before making an amalgamation order, the Welsh Ministers must be satisfied that effective local government is not likely to be achieved in a local government area to be amalgamated by the order by –
 - (a) the exercise by any of the local authorities concerned of their powers under section 9 (Powers to collaborate etc) of the Local Government (Wales) Measure 2009, or
 - (b) the exercise by the Welsh Ministers of their powers under –
 - (i) section 28 (Welsh Ministers: support for Welsh improvement authorities),
 - (ii) section 29 (Welsh Ministers: powers of direction etc),
 - (iii) section 30 (Powers of direction: collaboration arrangements), or
 - (iv) section 31 (Powers of Welsh Ministers to modify enactments and confer new powers) of that Measure.”
- (8) An amalgamation order must provide for –
 - (a) whether the new local government area is to be a county or a county borough,
 - (b) the English name and Welsh name of the new local government area,
 - (c) the establishment of a local authority for the new local government area,
 - (d) whether the new local authority is to be a county council or county borough council,
 - (e) the English name and Welsh name of the new local authority,
 - (f) the abolition of the existing local government areas,
 - (g) the boundary of the new local government area, and
 - (h) the winding up and dissolution of the local authorities for the existing local government areas.
- (9) Where the new local government area is to be a county, the amalgamation order must provide for the new local authority to have the name of the county with the addition –
 - (a) in the case of their English name, of the words “County Council” or the word “Council” (as in “Pembrokeshire County Council” or “Pembrokeshire Council”); and
 - (b) in the case of their Welsh name, of the word “Cyngor” (as in “Cyngor Sir Penfro”).
- (10) Where the new local government area is to be a county borough, the amalgamation order must provide for the new local authority to have the name of the county borough with the addition –

- (a) in the case of their English name, of the words “County Borough Council” or the word “Council” (as in “Caerphilly County Borough Council” or “Caerphilly Council”); and
- (b) in the case of their Welsh name, of the words “Cyngor Bwrdeistref Sirol” or the word “Cyngor” (as in “Cyngor Bwrdeistref Sirol Caerffili” or “Cyngor Caerffili”).’.

I ychwanegu Adran newydd –

(1) Pŵer i wneud gorchymyn cyfuno

- (1) Caiff Gweinidogion Cymru, os ydynt wedi eu bodloni ei bod yn angenrheidiol er mwyn sicrhau llywodraeth leol effeithiol, wneud gorchymyn (“gorchymyn cyfuno”) i gyfansoddi ardal llywodraeth leol newydd drwy gyfuno dwy neu dair ardal llywodraeth leol.
- (2) Cyn gwneud gorchymyn cyfuno, rhaid i Weinidogion Cymru gael eu bodloni na fyddai’n debyg y câi llywodraeth leol effeithiol ei sicrhau mewn ardal llywodraeth leol sydd i’w chyfuno gan y gorchymyn –
 - (a) drwy i unrhyw un neu rai o’r awdurdodau lleol o dan sylw arfer ei bwerau o dan adran 9 (Pwerau cydlafurio etc) o Fesur Llywodraeth Leol (Cymru) 2009, neu
 - (b) drwy i Weinidogion Cymru arfer eu pwerau o dan –
 - (i) adran 28 (Gweinidogion Cymru: cymorth i awdurdodau gwella Cymreig),
 - (ii) adran 29 (Gweinidogion Cymru: pwerau cyfarwyddo etc),
 - (iii) adran 30 (Pwerau cyfarwyddo: trefniadau cydlafurio), neu
 - (iv) adran 31 (Pŵer Gweinidogion Cymru i addasu deddfiadau a rhoi pwerau newydd)
- (3) Rhaid i orchymyn cyfuno ddarparu ar gyfer y canlynol –
 - (a) a fydd yr ardal llywodraeth leol newydd yn sir ynteu'n fwrdeistref sirol,
 - (b) enw Cymraeg ac enw Saesneg yr ardal llywodraeth leol newydd,
 - (c) sefydlu awdurdod lleol ar gyfer yr ardal llywodraeth leol newydd,
 - (d) a fydd yr awdurdod lleol newydd yn gyngor sir ynteu'n gyngor bwrdeistref sirol,
 - (e) enw Cymraeg ac enw Saesneg yr awdurdod lleol newydd,
 - (f) diddymu'r ardaloedd llywodraeth leol presennol,
 - (g) ffin yr ardal llywodraeth leol newydd, ac
 - (h) dirwyn i ben a diddymu'r awdurdodau lleol ar gyfer yr ardaloedd llywodraeth leol presennol.

- (4) Os sir fydd yr ardal llywodraeth leol newydd, rhaid i'r gorchymyn cyfuno ddarparu i'r awdurdod lleol newydd gael enw'r sir gan ychwanegu –
 - (a) yn achos ei enw Saesneg, y geiriau “County Council” neu'r gair “Council” (megis yn “Pembrokeshire County Council” neu “Pembrokeshire Council”); a
 - (b) yn achos ei enw Cymraeg, y gair “Cyngor” (megis yn “Cyngor Sir Penfro”).
- (5) Os bwrdeistref sirol fydd yr ardal llywodraeth leol newydd, rhaid i'r gorchymyn cyfuno ddarparu i'r awdurdod lleol newydd gael enw'r fwrdeistref sirol gan ychwanegu –
 - (a) yn achos ei enw Saesneg, y geiriau “County Borough Council” neu'r gair “Council” (megis yn “Caerphilly County Borough Council” neu “Caerphilly Council”); a
 - (b) yn achos ei enw Cymraeg, y geiriau “Cyngor Bwrdeistref Sirol” neu'r gair “Cyngor” (megis yn “Cyngor Bwrdeistref Sirol Caerffili” neu “Cyngor Caerffili”).’.

Carl Sargeant

92

To insert a new Section –

‘() Electoral matters

The provision that may be made in an amalgamation order includes (but is not limited to) provision for or in respect of any of the following matters –

- (a) the total number of members of any local authority (“councillors”);
- (b) the number and boundaries of electoral areas for the purposes of the election of councillors;
- (c) the number of councillors to be returned by any electoral area;
- (d) the name of any electoral area;
- (e) the election of councillors for any electoral areas;
- (f) the cancellation of elections of councillors for any electoral area;
- (g) the election of community councillors for any community;
- (h) the cancellation of community council elections;
- (i) the election of a mayor of a local authority;
- (j) the appointment by the Welsh Ministers of members of an existing local authority to be members of a shadow authority for a shadow period;
- (k) the appointment for a shadow period of an executive of the shadow authority;
- (l) the functions of a shadow authority, and the discharge of those functions, during a shadow period.’.

I ychwanegu Adran newydd –

‘() Materion etholiadol

Mae'r ddarpariaeth y caniateir ei gwneud mewn gorchymyn cyfuno yn cynnwys darpariaeth ar gyfer neu mewn cysylltiad ag unrhyw un o'r materion canlynol (ond nid yw wedi ei chyfyngu i'r cyfryw ddarpariaeth) –

- (a) cyfanswm yr aelodau o unrhyw awdurdod lleol (“cynghorwyr”);
- (b) nifer yr ardaloedd etholiadol a'u ffiniau at ddibenion ethol cynghorwyr;
- (c) nifer y cynghorwyr sydd i'w hethol yn ffurfiol gan unrhyw ardal etholiadol;
- (d) enw unrhyw ardal etholiadol;
- (e) ethol cynghorwyr ar gyfer unrhyw ardaloedd etholiadol;
- (f) diddymu etholiadau cynghorwyr ar gyfer unrhyw ardal etholiadol;
- (g) ethol cynghorwyr cymunedol ar gyfer unrhyw gymuned;
- (h) diddymu etholiadau cynghorau cymuned;
- (i) ethol maer awdurdod lleol;
- (j) penodi aelodau o awdurdod lleol presennol gan Weinidogion Cymru i fod yn aelodau o awdurdod cysgodol am gyfnod cysgodol;
- (k) penodi am gyfnod cysgodol weithrediaeth i'r awdurdod cysgodol;
- (l) swyddogaethau awdurdod cysgodol, a chyflawni'r swyddogaethau hynny, yn ystod cyfnod cysgodol.'

Carl Sargeant

93

To insert a new Section –

'() Requirement to hold a referendum involving an elected mayor

- (1) Where one or more of the existing local authorities is operating a mayor and cabinet executive, the amalgamation order must require the shadow authority to hold a referendum on whether the new local authority should operate a mayor and cabinet executive.
- (2) Where subsection (1) applies, the provision which may be made in an amalgamation order includes (but is not limited to) provision –
 - (a) as to the date on which, or the time by which, a referendum must be held;
 - (b) as to the action which may, or may not or must be taken by a shadow authority before or in connection with a referendum;
 - (c) as to the action which may, or may not or must be taken by a shadow authority after a referendum;
 - (d) for or in connection with enabling the Welsh Ministers, in the event of any failure by the shadow authority to take any action permitted or required by virtue of the order, to take that action.
- (3) The provision which may be made by virtue of subsection (2) includes provision which applies or reproduces (with or without modifications) any provisions of

section 25, 27, 28, 29 or 33 of the Local Government Act 2000 or Part 4 of this Measure.’.

I ychwanegu Adran newydd –

‘(1) Gofyniad i gynnal refferendwm sy’n cynnwys maer etholedig

- (1) Pan fo un neu ragor o'r awdurdodau lleol presennol yn gweithredu gweithrediaeth maer a chabinet, rhaid i'r gorchymyn cyfuno ei gwneud yn ofynnol i'r awdurdod cysgodol gynnal refferendwm ynghylch a ddylai'r awdurdod lleol newydd weithredu gweithrediaeth maer a chabinet.
- (2) Pan fo is-adran (1) yn gymwys, mae'r ddarpariaeth y caniateir ei gwneud mewn gorchymyn cyfuno'n cynnwys darpariaeth (ond nid yw wedi ei chyfyngu i ddarpariaeth) –
 - (a) o ran y dyddiad, neu'r amser erbyn pryd, y mae'n rhaid cynnal refferendwm,
 - (b) o ran y camau gweithredu y caniateir eu cymryd, neu na chaniateir eu cymryd, neu y mae'n rhaid eu cymryd gan awdurdod cysgodol o flaen refferendwm neu mewn cysylltiad ag ef,
 - (c) o ran y camau gweithredu y caniateir eu cymryd, neu na chaniateir eu cymryd, neu y mae'n rhaid eu cymryd gan awdurdod cysgodol ar ôl refferendwm,
 - (d) i alluogi Gweinidogion Cymru neu mewn cysylltiad â'u galluogi, os bydd unrhyw fethiant gan yr awdurdod cysgodol i gymryd unrhyw gamau gweithredu a ganiateir neu sy'n ofynnol yn rhinwedd y gorchymyn, i gymryd y camau gweithredu hynny.
- (3) Mae'r ddarpariaeth y caniateir ei gwneud yn rhinwedd is-adran (2) yn cynnwys darpariaeth sy'n cymhwyso neu'n atgynhyrchu (gydag addasiadau neu hebddynt) unrhyw ddarpariaethau yn adran 25, 27, 28, 29 neu 33 o Ddeddf Llywodraeth Leol 2000 neu Ran 4 o'r Mesur hwn.’.

Carl Sargeant

94

To insert a new Section –

‘(1) Power to direct a referendum involving an elected mayor

- (1) The Welsh Ministers may by regulations make provision for or in connection with enabling them, in such circumstances as may be prescribed in the regulations, to direct a shadow authority to hold a referendum on whether the new local authority should operate a mayor and cabinet executive.
- (2) The provision which may be made by regulations under this section includes (but is not limited to) provision –
 - (a) as to the date on which, or the time by which, a referendum must be held;
 - (b) as to the action which may, or may not or must be taken by a shadow authority before or in connection with a referendum;

- (c) as to the action which may, or may not or must be taken by a shadow authority after a referendum;
 - (d) for or in connection with enabling the Welsh Ministers, in the event of any failure by the shadow authority to take any action permitted or required by virtue of the regulations, to take that action.
- (3) The provision which may be made by virtue of subsection (2) includes provision which applies or reproduces (with or without modifications) any provisions of section 25, 27, 28, 29 or 33 of the Local Government Act 2000 or Part 4 of this Measure.’.

I ychwanegu Adran newydd –

‘(1) Pŵer i gyfarwyddo refferendwm sy’n cynnwys maer etholedig

- (1) Caiff Gweinidogion Cymru drwy reoliadau wneud darpariaeth i’w galluogi neu mewn cysylltiad â’u galluogi, o dan unrhyw amgylchiadau a ragnodir yn y rheoliadau, i gyfarwyddo awdurdod cysgodol i gynnal refferendwm ynghylch a ddylai'r awdurdod lleol newydd weithredu gweithrediaeth maer a chabinet.
- (2) Mae'r ddarpariaeth y caniateir ei gwneud drwy reoliadau o dan yr adran hon yn cynnwys darpariaeth (ond nid yw wedi ei chyfyngu i ddarpariaeth) –
 - (a) ynghylch y dyddiad, neu'r amser erbyn pryd, y mae'n rhaid cynnal refferendwm,
 - (b) o ran y camau gweithredu y caniateir eu cymryd, neu na chaniateir eu cymryd, neu y mae'n rhaid eu cymryd gan awdurdod cysgodol o flaen refferendwm neu mewn cysylltiad ag ef,
 - (c) o ran y camau gweithredu y caniateir eu cymryd, neu na chaniateir eu cymryd, neu y mae'n rhaid eu cymryd gan awdurdod cysgodol ar ôl refferendwm,
 - (d) i alluogi Gweinidogion Cymru neu mewn cysylltiad â’u galluogi, os bydd unrhyw fethiant gan yr awdurdod cysgodol i gymryd unrhyw gamau gweithredu a ganiateir neu sy’n ofynnol yn rhinwedd y rheoliadau, i gymryd y camau gweithredu hynny.
- (3) Mae'r ddarpariaeth y caniateir ei gwneud yn rhinwedd is-adran (2) yn cynnwys darpariaeth sy'n cymhwyso neu'n atgynhyrchu (gydag addasiadau neu hebddynt) unrhyw ddarpariaethau yn adran 25, 27, 28, 29 neu 33 o Ddeddf Llywodraeth Leol 2000 neu Ran 4 o'r Mesur hwn.’.

Carl Sargeant

95

To insert a new Section –

‘(1) Supplementary, incidental, consequential, transitional and saving provision

- (1) The provision that may be made in an amalgamation order includes (but is not limited to) supplementary, incidental, consequential, transitional and saving provision.

- (2) The Welsh Ministers may by regulations of general application make supplementary, incidental, consequential, transitional and saving provision –
 - (a) for the purposes of or in consequence of amalgamation orders; or
 - (b) for giving full effect to amalgamation orders.
- (3) Regulations under subsection (2) have effect subject to any provision included in an amalgamation order.
- (4) In this section, references to supplementary, incidental, consequential, transitional, or saving provision include (but are not limited to) provision –
 - (a) for the transfer of property, rights or liabilities from an existing local authority to a new local authority;
 - (b) for legal proceedings commenced by or against an existing local authority to be continued by or against a new local authority;
 - (c) for the transfer of staff, compensation for loss of office, or with respect to pensions and other staffing matters;
 - (d) for treating a new local authority for some or all purposes as the same person in law as an existing local authority ;
 - (e) with respect to the management or custody of transferred property (real or personal);
 - (f) equivalent to any provision that could be contained in an agreement under section 68 of the Local Government Act 1972 (transitional agreements as to property and finance).
- (5) The rights and liabilities which may be transferred in accordance with an order under this section include rights and liabilities in relation to a contract of employment.
- (6) The Transfer of Undertakings (Protection of Employment) Regulations 2006 (SI 2006/246) apply to a transfer made in accordance with an order under this section (whether or not the transfer is a relevant transfer for the purposes of those regulations).
- (7) In subsection (1), the reference to supplementary, incidental, consequential, transitional or saving provision also includes (but is not limited to) provision with respect to –
 - (a) the establishment or membership of public bodies in any area affected by the amalgamation order and the election or appointment of members of such bodies;
 - (b) the abolition or establishment, or the restriction or extension, of the jurisdiction of any public body in or over any part of any area affected by the amalgamation order.
- (8) Supplementary, incidental, consequential, transitional or saving provision in an amalgamation order or in regulations under this section may take the form of provision –
 - (a) modifying, excluding or applying (with or without modifications) any enactment; or

- (b) repealing or revoking any enactment (with or without savings).’.

I ychwanegu Adran newydd –

(1) Darpariaeth atodol, gysylltiedig, ganlyniadol, drosiannol a darpariaeth arbed

- (1) Mae'r ddarpariaeth y caniateir ei gwneud mewn gorchymyn cyfuno yn cynnwys darpariaeth atodol, cysylltiedig, trosiannol a darpariaeth arbed (ond nid yw wedi ei chyfyngu i'r cyfryw ddarpariaeth).
- (2) Caiff Gweinidogion Cymru drwy reoliadau sy'n gymwys yn gyffredinol wneud darpariaeth atodol, gysylltiedig, ganlyniadol, drosiannol a darpariaeth arbed –
 - (a) at ddibenion gorchmynion cyfuno neu o ganlyniad iddynt; neu
 - (b) i roi effaith lawn i orchmynion cyfuno.
- (3) Mae rheoliadau o dan is-adran (2) yn cael effaith yn ddarostyngedig i unrhyw ddarpariaeth a gynhwysir mewn gorchymyn cyfuno.
- (4) Yn yr adran hon, mae cyfeiriadau at ddarpariaeth atodol, gysylltiedig, ganlyniadol, drosiannol neu ddarpariaeth arbed yn cynnwys darpariaeth (ond nid ydynt wedi eu cyfyngu i ddarpariaeth) –
 - (a) ar gyfer trosglwyddo eiddo, hawliau neu rhwymedigaethau o awdurdod lleol presennol i awdurdod lleol newydd;
 - (b) i achos cyfreithiol a gychwynnir gan neu yn erbyn awdurdod lleol presennol gael ei barhau gan neu yn erbyn awdurdod lleol newydd;
 - (c) ar gyfer trosglwyddo staff, iawndal am golli swydd, neu mewn perthynas â phensiynau a materion staffio eraill;
 - (d) ar gyfer trin awdurdod lleol newydd at rai dibenion neu at bob diben fel yr un person mewn cyfraith ag awdurdod lleol presennol;
 - (e) mewn perthynas â rheolaeth neu gadwraeth ar eiddo (tirol neu bersonol) a drosglwyddir;
 - (f) sy'n cyfateb i unrhyw ddarpariaeth y gellid ei chynnwys mewn cytundeb o dan adran 68 o Ddeddf Llywodraeth Leol 1972 (cytundebau trosiannol o ran eiddo a chyllid).
- (5) Mae'r hawliau a'r rhwymedigaethau y caniateir eu trosglwyddo'n unol â gorchymyn o dan yr adran hon yn cynnwys hawliau a rhwymedigaethau mewn perthynas â chontract cyflogi.
- (6) Mae Rheoliadau Trosglwyddo Ymgymeriadau (Diogelu Cyflogaeth) 2006 (OS 2006/246) yn gymwys i drosglwyddiad a wneir yn unol â gorchymyn o dan yr adran hon (p'un a yw'r trosglwyddiad yn drosglwyddiad perthnasol at ddibenion y rheoliadau hynny ai peidio).
- (7) Yn is-adran (1), mae'r cyfeiriad at ddarpariaeth atodol, gysylltiedig, ganlyniadol, drosiannol neu ddarpariaeth arbed hefyd yn cynnwys darpariaeth (ond nid yw wedi ei chyfyngu i ddarpariaeth) mewn cysylltiad â'r canlynol –

- (a) sefydlu cyrff cyhoeddus neu aelodaeth o'r cyfryw gyrff mewn unrhyw ardal yr effeithir arni gan y gorchymyn cyfuno ac ethol neu benodi aelodau'r cyfryw gyrff;
 - (b) diddymu neu sefydlu, neu gyfyngu neu estyn, awdurdodaeth unrhyw gorff cyhoeddus mewn neu dros unrhyw ran o unrhyw ardal yr effeithir arni gan y gorchymyn cyfuno.
- (8) Caiff darpariaeth atodol, gysylltiedig, ganlyniadol, drosiannol neu ddarpariaeth arbed mewn gorchymyn cyfuno neu mewn rheoliadau o dan yr adran hon fod ar ffurf darpariaeth –
- (a) sy'n addasu, sy'n eithrio neu sy'n cymhwysu (gydag addasiadau neu hebddynt) unrhyw ddeddfiad; neu
 - (b) sy'n diddymu neu'n dirymu unrhyw ddeddfiad (gydag arbedion neu hebddynt).'

Carl Sargeant

96

To insert a new Section –

'() Review of electoral arrangements

- (1) The Welsh Ministers may direct the Welsh Commission to undertake a review of the electoral arrangements for a new local government area.
- (2) The Welsh Commission may in consequence of such a review make proposals to the Welsh Ministers for effecting changes to the electoral arrangements as appear to the Welsh Commission to be desirable in the interests of effective and convenient local government.
- (3) In considering the electoral arrangements for a new local government area for the purposes of this section, the Welsh Commission shall so far as reasonably practicable comply with the rules set out in Schedule 11 to the Local Government Act 1972.
- (4) For the purposes of this section "electoral arrangements" has the same meaning as in section 78 of the Local Government Act 1972.'

I ychwanegu Adran newydd –

'() Adolygu trefniadau etholiadol

- (1) Caiff Gweinidogion Cymru gyfarwyddo Comisiwn Cymru i ymgymryd ag adolygiad o'r trefniadau etholiadol ar gyfer ardal llywodraeth leol newydd.
- (2) Caiff Comisiwn Cymru o ganlyniad i'r cyfryw adolygiad gyflwyno argymhellion i Weinidogion Cymru ar gyfer gwneud newidiadau i'r trefniadau etholiadol sy'n ymddangos i Gomisiwn Cymru yn ddymunol er mwyn cael llywodraeth leol effeithiol a chyfleus.
- (3) Wrth bwyso a mesur y trefniadau etholiadol ar gyfer ardal llywodraeth leol newydd at ddibenion yr adran hon, rhaid i Gomisiwn Cymru i'r graddau y mae'n rhesymol ymarferol gydymffurfio â'r rheolau a nodir yn Atodlen 11 i Ddeddf Llywodraeth Leol 1972.

- (4) At ddibenion yr adran hon mae i “trefniadau etholiadol” yr un ystyr ag “electoral arrangements” yn adran 78 o Ddeddf Llywodraeth Leol 1972.’.

Carl Sargeant

97

To insert a new Section –

‘() Amendments to the Local Government Act 1972

- (1) The Local Government Act 1972 is amended as follows.
- (2) In section 58 (Commission’s reports and their implementation), in subsection (1) (b) after “section 57 above” insert “or in accordance with a direction under section [] of the Local Government (Wales) Measure 2011”.
- (3) In section 59 (directions about reviews), in subsection (1) after “57 above” insert “or in accordance with a direction under section [] of the Local Government (Wales) Measure 2011”.
- (4) In section 60 (procedure for reviews), in subsection (1) after “this Act” insert “or in accordance with a direction under section [] of the Local Government (Wales) Measure 2011”.
- (5) In section 68 (transitional agreements as to property and finance), in subsection (1) after “this Act” insert “or by an order under section [] of the Local Government (Wales) Measure 2011”.’.

I ychwanegu Adran newydd –

‘() Diwygiadau i Ddeddf Llywodraeth Leol 1972

- (1) Diwygir Deddf Llywodraeth Leol 1972 fel a ganlyn.
- (2) Yn adran 58 (adroddiadau'r Comisiwn a'u gweithredu), yn is-adran (1)(b) ar ôl “section 57 above” mewnosoder “or in accordance with a direction under section [] of the Local Government (Wales) Measure 2011”.
- (3) Yn adran 59 (cyfarwyddiadau ynghylch adolygiadau), yn is-adran (1) ar ôl “57 above” mewnosoder “or in accordance with a direction under section [] of the Local Government (Wales) Measure 2011”.
- (4) Yn adran 60 (y weithdrefn ar gyfer adolygiadau), yn is-adran (1) ar ôl “this Act” mewnosoder “or in accordance with a direction under section [] of the Local Government (Wales) Measure 2011”.
- (5) Yn adran 68 (cytundebau trosiannol o ran eiddo a chyllid), yn is-adran (1) ar ôl “this Act” mewnosoder “or by an order under section [] of the Local Government (Wales) Measure 2011”.’.

Carl Sargeant

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To insert a new Section –

‘() Procedure applicable to an amalgamation order

- (1) The Welsh Ministers must comply with this section before making an amalgamation order to give effect to proposals to constitute a new local government area by amalgamating two or three existing local government areas (“the proposals”).
- (2) The Welsh Ministers must consult such persons as appear to them to be representative of persons or interests affected by the proposals.
- (3) If, following that consultation, the Welsh Ministers wish to proceed with the proposals, they must lay before the National Assembly for Wales a document which—
 - (a) explains the proposals,
 - (b) sets them out in the form of a draft order, and
 - (c) gives details of the consultation under subsection (2).
- (4) No draft of an amalgamation order to give effect to the proposals (“the final draft order”) may be laid before the Assembly in accordance with section 165(2)(b) until after the expiry of the period of 60 days beginning with the day on which the document relating to the proposals was laid before the National Assembly for Wales under subsection (3).
- (5) In calculating the period mentioned in subsection (4) no account shall be taken of any time during which the National Assembly for Wales is dissolved or is in recess for more than four days.
- (6) In preparing the final draft order, the Welsh Ministers must consider any representations made during the period mentioned in subsection (4).
- (7) If the final draft order is laid before the National Assembly for Wales in accordance with section 165(2)(b), the order must be accompanied by a statement of the Welsh Ministers giving details of—
 - (a) any representations considered in accordance with subsection (6), and
 - (b) any changes to the proposals contained in the document laid before the National Assembly for Wales under subsection (3) which are given effect to in the final draft order.
- (8) Nothing in this section applies to an order under section () which is made only for the purpose of amending an earlier order under that section.’.

I ychwanegu Adran newydd –

(I) Y weithdrefn sy'n gymwys i orchymyn cyfuno

- (1) Rhaid i Weinidogion Cymru gydymffurfio â'r adran hon cyn gwneud gorchymyn cyfuno i roi effaith i gynigion i gyfansoddi ardal llywodraeth leol newydd drwy gyfuno dwy neu dair o ardaloedd llywodraeth leol presennol (“y cynigion”).
- (2) Rhaid i Weinidogion Cymru ymgynghori ag unrhyw bersonau y mae'n ymddangos i'r Gweinidogion eu bod yn cynrychioli personau neu fuddiannau yr effeithir arnynt gan y cynigion.

- (3) Os bydd Gweinidogion Cymru, yn dilyn yr ymgynghori hwnnw, yn dymuno bwrw ymlaen â'r cynigion, rhaid iddynt osod gerbron Cynulliad Cenedlaethol Cymru ddogfen sydd –
 - (a) yn esbonio'r cynigion,
 - (b) yn eu nodi ar ffurf gorchymyn drafft, ac
 - (c) yn rhoi manylion yr ymgynghori o dan is-adran (2).
- (4) Ni chaniateir i unrhyw ddrafft o orchymyn cyfuno i roi effaith i'r cynigion ("y gorchymyn drafft terfynol") gael ei osod gerbron y Cynulliad yn unol ag adran 165(2)(b) tan ar ôl i'r cyfnod o 60 niwrnod, sy'n dechrau ar y diwrnod y cafodd y ddogfen ynglŷn â'r cynigion ei gosod gerbron Cynulliad Cenedlaethol Cymru o dan is-adran (3), ddirwyn i ben.
- (5) Wrth gyfrifo'r cyfnod a grybwyllwyd yn is-adran (4) rhaid peidio ag ystyried unrhyw amser pryd y bydd Cynulliad Cenedlaethol Cymru wedi'i ddiddymu neu wedi cymryd saib am fwy na phedwar diwrnod.
- (6) Wrth baratoi'r gorchymyn drafft terfynol, rhaid i Weinidogion Cymru ystyried unrhyw sylwadau a gyflwynwyd yn ystod y cyfnod a grybwyllwyd yn is-adran (4).
- (7) Os caiff y gorchymyn drafft terfynol ei osod gerbron Cynulliad Cenedlaethol Cymru yn unol ag adran 165(2)(b), rhaid bod gyda'r gorchymyn ddatganiad gan Weinidogion Cymru sy'n rhoi manylion –
 - (a) unrhyw sylwadau a ystyriwyd yn unol ag is-adran (6), a
 - (b) unrhyw newidiadau a wnaed i'r cynigion a oedd wedi eu cynnwys yn y ddogfen a osodwyd gerbron Cynulliad Cenedlaethol Cymru o dan is-adran (3) ac y mae effaith wedi ei rhoi iddynt yn y gorchymyn drafft terfynol.
- (8) Nid oes dim yn yr adran hon sy'n gymwys i orchymyn o dan adran () sydd wedi ei wneud yn unswydd at y diben o ddiwygio gorchymyn cynharach o dan yr adran honno.'.

Carl Sargeant

99

To insert a new Section –

'() Correction of orders

- (1) Where –
 - (a) there is a mistake in an amalgamation order, and
 - (b) the mistake cannot be rectified by a subsequent order made under section (), the Welsh Ministers may, by order, rectify the mistake.
- (2) For the purposes of this section, a "mistake" in an order includes a provision contained in or omitted from the order in reliance on inaccurate or incomplete information supplied by a community council or any other public body.'.

I ychwanegu Adran newydd -

'() Cywiro gorchmynion

- (1) Pan fo—
 - (a) gwall mewn gorchymyn cyfuno, a
 - (b) ni ellir ei gywiro drwy orchymyn dilynol a wneir o dan adran (), caiff Gweinidogion Cymru, drwy orchymyn, gywiro'r gwall.
- (2) At ddibenion yr adran hon, mae “gwall” mewn gorchymyn yn cynnwys darpariaeth sydd wedi ei chynnwys yn y gorchymyn neu wedi ei hepgor ohono drwy ddibynnu ar wybodaeth anghywir neu anghyflawn a ddarparwyd gan gyngor cymuned neu unrhyw gorff cyhoeddus arall.’.

Carl Sargeant

100

To insert a new Section—

‘() Interpretation

In this Part—

“amalgamation order” (“*gorchymyn cyfuno*”) means an order under section ();

“electoral area” (“*ardal etholiadol*”) means any area for which councillors are elected to a local authority;

“existing local authority” (“*awdurdod lleol presennol*”) means the local authority for an existing local government area;

“existing local government area” (“*ardal llywodraeth leol bresennol*”) means a local government area abolished by an amalgamation order;

“local authority ” (“*awdurdod lleol*”) means a county or county borough council in Wales;

“local government area” (“*ardal llywodraeth leol*”) means an area for which a local authority is established;

“member of a local authority” (“*aelod o awdurdod lleol*”) includes an elected mayor within the meaning of section 39(1) of the Local Government Act 2000) or elected executive member (within the meaning of section 39(4) of that Act) of the authority;

“new local authority” (“*awdurdod lleol newydd*”) means a local authority established by an amalgamation order;

“new local government area” (“*ardal llywodraeth leol newydd*”) means a local government area constituted by an amalgamation order;

“public body” (“*corf cyhoeddus*”) includes—

(a) a local authority;

(b) a joint board, or a joint committee, on which a local authority is represented;

“shadow authority” (“*awdurdod cysgodol*”) means an authority which has been appointed or elected to carry out functions prescribed by an

amalgamation order and will become a new local authority at the end of the shadow period;

“shadow period” (“cyfnod cysgodol”) means a period before the coming into office of members of the new local authority;

“staff” (“staff”) includes officers and employees;

“Welsh Commission” (“Comisiwn Cymru”) means the Local Government Boundary Commission for Wales established by section 53 of the Local Government Act 1972;’.

I ychwanegu Adran newydd –

(i) Dehongli

Yn y Rhan hon –

mae “aelod o awdurdod lleol” (“member of a local authority”) yn cynnwys maer etholedig o fewn ystyr adran 39(1) o Ddeddf Llywodraeth Leol 2000 neu aelod gweithredol etholedig (o fewn ystyr adran 39(4) o'r Ddeddf honno) o'r awdurdod;

ystyr “ardal etholiadol” (“electoral area”) yw unrhyw ardal yr etholir cynghorwyr drosti i awdurdod lleol;

ystyr “ardal llywodraeth leol” (“local government area”) yw ardal y mae awdurdod lleol wedi ei sefydlu ar ei chyfer;

ystyr “ardal llywodraeth leol bresennol” (“existing local government area”) yw ardal llywodraeth leol a ddiddymir gan orchymyn cyfuno;

ystyr “ardal llywodraeth leol newydd” (“new local government area”) yw ardal llywodraeth leol a gyfansoddwyd drwy orchymyn cyfuno;

ystyr “awdurdod cysgodol” (“shadow authority”) yw awdurdod sydd wedi ei benodi neu wedi ei ethol i gyflawni swyddogaethau a ragnodwyd drwy orchymyn cyfuno ac a ddaw'n awdurdod lleol newydd ar ddiwedd y cyfnod cysgodol;

ystyr “awdurdod lleol” (“local authority”) yw cyngor sir neu gyngor bwrdeistref sirol yng Nghymru;

ystyr “awdurdod lleol newydd” (“new local authority”) yw awdurdod lleol a sefydlwyd drwy orchymyn cyfuno;

ystyr “awdurdod lleol presennol” (“existing local authority”) yw'r awdurdod lleol ar gyfer ardal llywodraeth leol bresennol;

ystyr “Comisiwn Cymru” (“Welsh Commission”) yw Comisiwn Ffiniau Llywodraeth Leol i Gymru a sefydlwyd gan adran 53 o Ddeddf Llywodraeth Leol 1972;

mae “corff cyhoeddus” (“public body”) yn cynnwys –

(a) awdurdod lleol;

(b) cyd-fwrdd, neu gyd-bwyllgor, y mae awdurdod lleol wedi ei gynrychioli arno;

ystyr “cyfnod cysgodol” (“shadow period”) yw cyfnod cyn y bydd aelodau o'r awdurdod lleol newydd yn cychwyn ar eu swydd;

ystyr “gorchymyn cyfuno” (“amalgamation order”) yw gorchymyn o dan adran ();

mae “staff” (“staff”) yn cynnwys swyddogion a chyflogeion.’.